

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

STEPHEN EARL,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendants.

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**5:14-CV-115-F**

**Decision by Court.**

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

**IT IS ORDERED, ADJUDGED AND DECREED** pursuant to the court's order dated 4/2/2015 Plaintiffs Motion to Amend [DE-14] is DENIED as futile. The Government's Motion to Dismiss [DE-II] is ALLOWED as to any medical malpractice claims asserted by Plaintiff, but DENIED as to Plaintiffs claim sounding in ordinary negligence.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Government's Motion for Summary Judgment [DE-36] is ALLOWED and the Motion for Non-Jury Trial [DE-56] is DISMISSED as moot.

**This Judgment Filed and Entered on May 31, 2016, and Copies To:**

Cedric R. Perry (via CM/ECF Notice of Electronic Filing)  
Kimberly A. Moore (via CM/ECF Notice of Electronic Filing)

DATE  
May 31, 2016

**JULIE RICHARDS JOHNSTON, CLERK**  
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/s/ Susan K. Edwards  
(By) Susan K. Edwards, Deputy Clerk